4483

BILL NO. S-79-06-19

SPECIAL ORDINANCE NO. S-105-79

AN ORDINANCE approving partial release of a sewer easement and authorizing the Mayor and City Clerk to execute and deliver a quit claim deed thereto.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Partial Release of Sewer Easement dated April 4, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Charles N. Hall, agent for Michael Hall, for:

> Part of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:
>
> Commencing at a point 40 feet north and 391 feet west of the Southeast corner of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence West and parallel to the South line of said E½, a distance of 338 feet to a point situated 14 feet West of the West line of a 1.0 acre tract conveyed to Nancy D. Cotton and Werner W. Newcomb, Jr. in a deed appearing in Document #75-23036 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by a deflection angle right of 89 degr. 52 min. 30 sec. (recorded 89 degr. 53 min.) and parallel to the West line of said 1.0 acre tract, a distance of 25.0 feet to a point on the Northerly right-of-way line of Washington Center Road as established in Document #72-04797 in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence continuing Northerly and parallel to the West line of said 1.0 acre tract, a distance of 225.0 feet; thence East and parallel to said South line, a distance of 14.0 feet to the West line of said 1.0 acre tract; thence southerly, on and along the West line of said 1.0 acre tract, a distance of 225.0 feet to said North right-of-way line; thence West, on and along said North right-of-way line, a distance of 14.0 feet to the true point of beginning.

all as more particularly set forth in said Partial Release of Easement which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That to confirm said release, the Mayor and City Clerk of the City of Fort Wayne are hereby authorized to execute and deliver a Quit Claim Deed to the released portion of said easement described above, to Michael Hall as grantee.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

APPROVED AS TO
FORM & LEGALITY

William N. Salin, City Attorney

Read the first time in full and on motion by _____, seconded by Burns
Talarico, and duly adopted, read the second time by title and referred to the
Committee on City Utilities (and ~~the City Plan Commission~~ for
~~recommendation~~) and Public Hearing to be held after due legal notice, ~~at the~~ Council Chambers,
City-County Building, Fort Wayne, Indiana, on _____, ~~the~~ _____ day
of _____, 19__, at _____ o'clock _____ M., E.S.T.

DATE: 6-12-79

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns,
seconded by D. Schmidt, and duly adopted, placed on its passage.
PASSED (~~LOST~~) by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT: |
|---|---|---|---|---|---|
| TOTAL VOTES | 9 | | | | |
| BURNS | ✓ | | | | |
| HINGA | ✓ | | | | |
| HUNTER | ✓ | | | | |
| MOSES | ✓ | | | | |
| NUCKOLS | ✓ | | | | |
| SCHMIDT, D. | ✓ | | | | |
| SCHMIDT, V. | ✓ | | | | |
| STIER | ✓ | | | | |
| TALARICO | ✓ | | | | |

DATE: 6-26-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(~~ZONING MAP~~) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE
(~~RESOLUTION~~) No. S-105-79 on the 26th day of June, 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winfield C. Moses Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th
day of June, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 5 day of July, 1979
at the hour of 3:30 o'clock P.M., E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-79-06-19

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving partial release of a sewer easement and authorizing the Mayor and City Clerk to execute and deliver a quit claim deed thereto

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do PASS.

PAUL M. BURNS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

DONALD J. SCHMIDT

JAMES S. STIER

6-26-79 CONCURRED IN

DATE CHARLES W. WESTERMAN, CITY CLERK

Original to Ivan for recording
info in R of E. drawer 4/6/79 a

67-102-10 H-I
4/4/79

PARTIAL RELEASE OF EASEMENT

THIS RELEASE of Easement executed this 4th day of April, 1979, by the City of Fort Wayne, Indiana, by its Board of Public Works,

WITNESSETH THAT:

WHEREAS, on January 7, 1974, Charles N. Hall granted to the City of Fort Wayne, Indiana, a permanent easement for sewer purposes, across, through and over the following described real estate situated in Allen County, State of Indiana, to wit:

> Part of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:
> Beginning at a point 40 feet north and391 feet west of the southeast corner of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence west and parallel to the south line of the E½ of the SW¼ of Sec. 14-31-12, a distance of 338 feet; thence north with a deflection angle to the right of 89 degr. 53 min. a distance of 289 feet; thence east with a deflection angle to the right of 90 degr. a distance of 14 feet; thence south with a deflection angle to the right of 90 degr. a distance of 275 feet; thence east with a deflection angle to the left of 89 degr. 53 min. a distance of 324 feet; thence south with a deflection angle to the right of 90 degr. a distance of 14 feet to the point of beginning.

which easement was recorded on January 7, 1974, in Document #74-00464 in the Office of the Recorder of Allen County, Indiana.

WHEREAS, no sewer has been installed in said easement.

WHEREAS, a two-story frame office building has been constructed and encroaches on said easement of four (4) feet.

WHEREAS, in exchange for said release, Charles N. Hall* has agreed to grant a fourteen (14) foot sewer easement to the City of Fort Wayne across his property, the location of said easement to be approved by the City of Fort Wayne.

* as Attorney in fact for Michael Hall, present title holder

WHEREAS, a copy of a survey locating said specific encroachment is attached to this Partial Release indicating the location of said encroachment.

NOW, THEREFORE, for and in consideration of one ($1.00) dollar to the City of Fort Wayne, Indiana, the receipt of which is hereby acknowledged, the City of Fort Wayne, by its Board of Public Works hereby releases and abandons that portion of the above described easement as follows, to wit:

> Part of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:
> Commencing at a point 40 feet north and 391 feet west of the Southeast corner of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence West and parallel to the South line of said E½, a distance of 338 feet to a point situated 14 feet West of the West line of a 1.0 acre tract conveyed to Nancy D. Cotton and Werner W. Newcomb, Jr. in a deed appearing in Document #75-23036 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by a deflection angle right of 89 degr. 52 min. 30 sec. (recorded 89 degr. 53 min.) and parallel to the West line of said 1.0 acre tract, a distance of 25.0 feet to a point on the Northerly right-of-way line of Washington Center Road as established in Document #72-04797 in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence continuing Northerly and parallel to the West line of said 1.0 acre tract, a distance of 225.0 feet; thence East and parallel to said South line, a distance of 14.0 feet to the West line of said 1.0 acre tract; thence southerly, on and along the West line of said 1.0 acre tract, a distance of 225.0 feet to said North right-of way line; thence West, on and along said North right-of-way line, a distance of 14.0 feet to the true point of beginning.

with the intent and purpose of releasing and abandoning the portion herein described to Michael Hall, and his successors.

IN WITNESS WHEREOF, the City of Fort Wayne, Indiana, has caused this instrument to be executed by its Board of Public Works on this 4th day of April, 1979.

CITY OF FORT WAYNE, INDIANA

Robert E. Armstrong, Mayor

ATTEST:

Ursula Miller

CITY OF FORT WAYNE, INDIANA

BOARD OF PUBLIC WORKS

By: _____

Henry P. Wehrenberg, Chairman

By: Ethel H. LaMar

Ethel H. LaMar, Member

By: May G. Scott

Max G. Scott, Member

Approved as to form and legality:

_____

Associate City Attorney

ATTEST:

_____

STATE OF INDIANA )
) SS:
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State personally appeared Robert E. Armstrong, known to me as the Mayor of the City of Fort Wayne, Indiana, and ~~Henry P. Wetrenberg~~, Ethel H. LaMar and Max G Scott, known to me to be the members of the Board of Public Works of the City of Fort Wayne, Indiana, and acknowledge the foregoing contract to be the voluntary act and deed of said City.

WITNESS my hand and notarial seal this 4th day of April, 1979

Notary Public

My Commission Expires:

3/6/80

Resident of Allen County

This instrument prepared by:

City of Fort Wayne and Zohrab K. Tazian, P.E., L.S.

4483

TITLE OF ORDINANCE SPECIAL ORDINANCE - PARTIAL RELEASE OF SEWER EASEMENT & AUTHORIZATION TO EXECUTE QUIT CLAIM DEED

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-79-06-19

SYNOPSIS OF ORDINANCE PARTIAL RELEASE OF SEWER EASEMENT & AUTHORIZATION TO EXECUTE QUIT CLAIM DEED WHICH INVOLVES THE FOLLOWING: (1) APPROVAL OF RELEASE OF PERMANENT EASEMENT GRANTED TO CITY BY CHARLES N. HALL ON JANUARY 7, 1974 FOR SEWER PURPOSES OF THAT PORTION DESCRIBED AS FOLLOWS:

Part of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:
Commencing at a point 40 feet north and 391 feet west of the Southeast corner of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence West and parallel to the South line of said E½, a distance of 338 feet to a point situated 14 feet West of the West line of a 1.0 acre tract conveyed to Nancy D. Cotton and Werner W. Newcomb, Jr. in a deed appearing in Document #75-23036 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by a deflection angle right of 89 degr. 52 min. 30 sec. (recorded 89 degr. 53 min.) and parallel to the West line of said 1.0 acre tract, a distance of 25.0 feet to a point on the Northerly right-of-way line of Washington Center Road as established in Document #72-04797 in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence continuing Northerly and parallel to the West line of said 1.0 acre tract, a distance of 225.0 feet; thence East and parallel to said South line, a distance of 14.0 feet to the West line of said 1.0 acre tract; thence southerly, on and along the West line of said 1.0 acre tract, a distance of 225.0 feet to said North right-of way line; thence West, on and along said North right-of-way line, a distance of 14.0 feet to the true point of beginning.

NO SEWER HAS BEEN INSTALLED IN SAID EASEMENT AND A BUILDING ENCROACHES ON SAID EASEMENT FOUR (4) FEET. IN EXCHANGE FOR SAID RELEASE, CHARLES N. HALL IS GRANTING A FOURTEEN (14) FOOT SEWER EASEMENT TO CITY IN LOCATION APPROVED BY CITY.

(2) AUTHORIZES MAYOR TO EXECUTE QUIT CLAIM DEED TO RELEASED PORTION OF EASEMENT DESCRIBED ABOVE.

(PARTIAL RELEASE OF EASEMENT ATTACHED)

EFFECT OF PASSAGE PROVIDES CLEAR TITLE TO PROPERTY

EFFECT OF NON-PASSAGE PROPERTY OWNER CANNOT OBTAIN TITLE INSURANCE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NONE